

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS PENSION FUND	)	
AND WELFARE FUNDS,	)	
	)	
Plaintiff,	)	
	)	No. 08 C 3210
v.	)	
	)	Judge Hart
	)	
PAGE CARTAGE, INC., a dissolved Illinois	)	Magistrate Judge Jeys
corporation and Jimmy Page, Jr., Individually,	)	
	)	
Defendants.	)	

MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

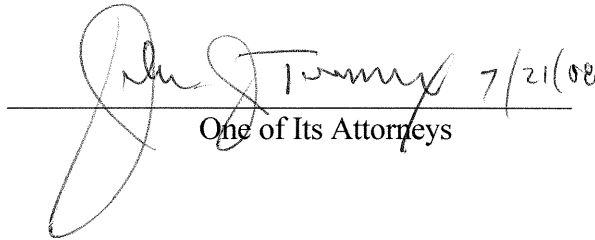
1. Suit was filed on June 3, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Corporate service was made upon PAGE CARTAGE, INC., on June 30, 2008 and a copy of the proof of service was filed with the court on July 1, 2008.
3. Service was made upon Jimmy Page, Jr., Individually on June 30, 2008 and a copy of the proof of service was filed with the court on July 1, 2008.
4. Defendants are now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$2,777.99	Welfare
\$2,100.85	Welfare
\$925.00	Attorneys fees
<u>\$94.00</u>	Court costs
\$6,247.84	

WHEREFORE, Plaintiff prays for the entry of judgment against Defendants, PAGE CARTAGE, INC., a dissolved Illinois corporation and JIMMY PAGE, JR., Individually, jointly and severally, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$6,247.84.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By:

 7/21/08  
One of Its Attorneys

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

**Service of Process:**

1:08-cv-03210 Suburban Teamsters of Northern Illinois Pension Fund and Welfare Funds v. Page Cartage, Inc. et al  
KEYS

**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 3.2.1**

**Notice of Electronic Filing**

The following transaction was entered by Toomey, John on 7/1/2008 at 4:17 PM CDT and filed on 7/1/2008

**Case Name:** Suburban Teamsters of Northern Illinois Pension Fund and Welfare Funds v. Page Cartage, Inc. et al  
**Case Number:** 1:08-cv-3210  
**Filer:** Suburban Teamsters of Northern Illinois Pension Fund and Welfare Funds  
**Document Number:** 7

**Docket Text:**

**SUMMONS Returned Executed by Suburban Teamsters of Northern Illinois Pension Fund and Welfare Funds as to Jimmy Page, Jr on 6/30/2008, answer due 7/21/2008. (Toomey, John)**

**1:08-cv-3210 Notice has been electronically mailed to:**

John Joseph Toomey jtoomey100@hotmail.com

**1:08-cv-3210 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1040059490 [Date=7/1/2008] [FileNumber=4966148-0]  
[3637d6e7ffcbf1d908655f1c7259eebb6663f499084f07c1e3c94373e040a142d2b7  
bebf7403483518ecb017c0cb2bb42741fa129d4f6e16858914e16396f9ca]]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
SUMMONS IN A CIVIL CASE

TRUSTEES OF THE SUBURBAN  
TEAMSTERS OF NORTHERN ILLINOIS  
PENSION AND WELFARE FUNDS,

v.

PAGE CARTAGE, INC., a dissolved  
Illinois corporation and Jimmy Page, Jr.,  
Individually

) Docket Number: 08CV3210

) Assigned Judge: JUDGE HART

) Designated

) Magistrate Judge: MAGISTRATE JUDGE KEYS

TO: (Name and address of defendant)

Jimmy Page, Jr., Individually  
242 Cove Drive  
Flossmoor, Illinois 60422

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard, Suite 300  
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
Michael W. Dobbins, Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
(by) Deputy Clerk

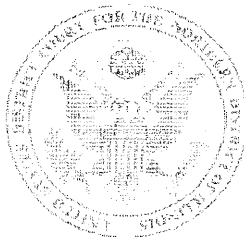
Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

June 3, 2008

\_\_\_\_\_  
Date



AO 440 (Rev. 05/00) Summons in a Civil Action

### RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT) <u>Brian Riebel</u>	<u>6/30/08 @ 10:25am</u>
	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: Skyla Page (daughter)  
(B/F 20, black hair, light complexion)

☐ Returned unexecuted:

☐ Other (specify):

### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

### DECLARATION OF SERVER


I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/30/08

Date

Signature of Server



THE ARGUS AGENCY INC.  
 1400 RENAISSANCE DR. STE 208  
 PARK RIDGE IL 60068

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**Service of Process:**

1:08-cv-03210 Suburban Teamsters of Northern Illinois Pension Fund and Welfare Funds v. Page Cartage, Inc. et al  
KEYS

**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 3.2.1**

**Notice of Electronic Filing**

The following transaction was entered by Toomey, John on 7/1/2008 at 4:15 PM CDT and filed on 7/1/2008

**Case Name:** Suburban Teamsters of Northern Illinois Pension Fund and Welfare Funds v. Page Cartage, Inc. et al  
**Case Number:** 1:08-cv-3210  
**Filer:** Page Cartage, Inc.  
**Document Number:** 6

**Docket Text:**

**SUMMONS Returned Executed by Page Cartage, Inc. as to Page Cartage, Inc. on 6/30/2008, answer due 7/21/2008. (Toomey, John)**

**1:08-cv-3210 Notice has been electronically mailed to:**

John Joseph Toomey jtoomey100@hotmail.com

**1:08-cv-3210 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1040059490 [Date=7/1/2008] [FileNumber=4966142-0]  
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ab0a681b5299ff94da3d9c63260c9585438cefdb7f9e4388edff36d9e77f]]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
SUMMONS IN A CIVIL CASE

TRUSTEES OF THE SUBURBAN  
TEAMSTERS OF NORTHERN ILLINOIS  
PENSION AND WELFARE FUNDS,

v.

PAGE CARTAGE, INC., a dissolved  
Illinois corporation and Jimmy Page, Jr.,  
Individually

) Docket Number: 08CV3210  
)  
) Assigned Judge: JUDGE HART  
)  
) Designated  
) Magistrate Judge: MAGISTRATE JUDGE KEYS

TO: (Name and address of defendant)

PAGE CARTAGE, INC.,  
a dissolved Illinois corporation  
c/o Its Registered Agent  
Jimmy J. Page  
242 Cove Drive  
Flossmoor, Illinois 60422

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard, Suite 300  
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Date

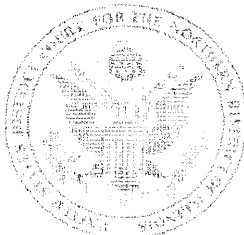
Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

June 3, 2008

Date





AO 440 (Rev. 05/00) Summons in a Civil Action

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☐ Served personally upon the defendant. Place where served:

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: Skyia Puse (daughter)

☐ Returned unexecuted:

B/F, 20, black hair, light complexion

☐ Other (specify):

### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

### DECLARATION OF SERVER

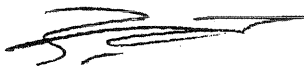
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/30/08

Date

Signature of Server



THE ARGUS AGENCY INC.  
1400 RENAISSANCE DR. STE 208  
PARK RIDGE IL 60068

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS PENSION FUND	)	
AND WELFARE FUNDS,	)	
	)	
Plaintiff,	)	
	)	No. 08 C 3210
v.	)	
	)	Judge Hart
	)	
PAGE CARTAGE, INC., a dissolved Illinois	)	Magistrate Judge Jeys
corporation and Jimmy Page, Jr., Individually,	)	
	)	
Defendants.	)	

AFFIDAVIT IN SUPPORT OF  
ATTORNEYS' FEES

NOW COMES the undersigned, JOHN J. TOOMEY, upon being first duly sworn,  
deposes and states as follows:

1. The undersigned is counsel of record in Case No. 08 C 3210.
2. Affiant is an attorney licensed to practice law in the State of Illinois since 1978.

Affiant is admitted to the trial Bar of the Northern District of Illinois, the Central District of Illinois and the Seventh, Eighth, Second, Eleventh Circuit Courts of Appeal, U. S. Tax Court and the United States Supreme Court.

3. The time spent in the case are as follows, were reasonably necessary in the prosecution of the case, and no paralegals were used:

June 3, 2008	Open file; draft complaint and summons and file with court	2 hours
July 1, 2008	Return of service filed with the court	.5 hours

July 21, 2008	Draft Motion for Judgment in Sum Certain	1.5 hour
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Court appearance on Motion for Judgment in Sum Certain	1.0 hour
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4. The costs expended in prosecuting the case are:

Filing fee	\$350.00
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Service of process	
Argus Agency	\$94.00

Total	\$444.00
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5. Reasonable value of such services is One Hundred Eighty Five Dollars per hour:

\$185.00 x 5 hours	\$925.00
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6. The total in fees and costs expended are:

Attorneys' fees	\$925.00
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Costs	\$444.00
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Total	\$1,369.00
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FURTHER AFFIANT SAYETH NOT.

ST. John J. Toomey 7-21-08  
JOHN J. TOOMEY

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS PENSION FUND	)	
AND WELFARE FUNDS,	)	
	)	
Plaintiff,	)	
	)	No. 08 C 3210
v.	)	
	)	Judge Hart
	)	
PAGE CARTAGE, INC., a dissolved Illinois	)	Magistrate Judge Jeys
corporation and Jimmy Page, Jr., Individually,	)	
	)	
Defendants.	)	

AFFIDAVIT

RICHARD SIEBERT, upon being first duly sworn deposes and states as follows:

1. Affiant is employed by the Suburban Teamsters Welfare and Pension Fund ("Funds") as an auditor, is familiar with the Page Cartage, Inc., an Illinois corporation not in good standing audit ("Employer"), having examined its books and records to determine what amounts if any were due and owing the Funds, and is also familiar with the parties' agreement concerning contributions, liquidated damages and interest owed.

2. That an audit of Employer's books and records was performed on August 8, 2007 covering the period October, 2006 through June, 2007 and found to be owing:

Pension	\$2,755.51
Welfare	\$3,643.48

3. That Employer was given a copy of the audit and given notice of findings on September 24, 2007 and has made no effort to pay or settle.


4. That the audit including liquidated damages and interest totals \$6,398.99.

5. That Affiant suffers from no disability and can so testify and affirm such facts.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
RICHARD SIEBERT

SUBSCRIBED AND SWORN  
to before me this 22<sup>nd</sup> day of  
July, 2008.

  
\_\_\_\_\_  
Notary Public

OFFICIAL SEAL  
CAROL COLLINS  
Notary Public - State of Illinois  
My Commission Expires Jul 20, 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS PENSION FUND	)	
AND WELFARE FUNDS,	)	
	)	
Plaintiff,	)	
	)	No. 08 C 3210
v.	)	
	)	Judge Hart
	)	
PAGE CARTAGE, INC., a dissolved Illinois	)	Magistrate Judge Jeys
corporation and Jimmy Page, Jr., Individually,	)	
	)	
Defendants.	)	

ORDER OF JUDGMENT

This matter coming to be heard upon Plaintiff's Motion for Judgment in a sum certain and the court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

That judgment is entered in favor of the Plaintiff TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS and against the Defendant, PAGE CARTAGE, INC., a dissolved Illinois corporation and Jimmy Page, Jr., Individually, jointly and severally in the amount of \$6,247.84.

Date:

Entered:

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JUDGE HART